

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

ORIGINAL

In the Matter of)
)
Amendment of Section 73.202(b),) **MM Docket No. 96-249**
Table of Allotments,) **RM-8926**
FM Broadcast Stations) **RM-9068**
(St. Maries, Idaho, and)
Spokane, Washington))

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**FEDERAL COMMUNICATIONS COMMISSION
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To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau - Mail Stop 1800D5

**REPLY COMMENTS OF WILSON CREEK COMMUNICATIONS, L.L.C.
TO COUNTERPROPOSAL OF SPOKANE RADIO, INC.**

1. Wilson Creek Communications, L.L.C., ("WCC") hereby submits these Comments in response to the counterproposal of Spokane Public Radio, Inc. ("SPR") (RM-9068) in this proceeding. Public notice of the SPR counterproposal was given on April 10, 1997, and a 15-day period was allowed for reply comments to the counterproposal.

2. WCC is the licensee of Station KVYF(FM), Wilson Creek, Washington. KVYF was authorized to upgrade from Channel 277C3 to Channel 278C1 in MM Docket No. 96-163.^{1/} WCC has an application pending for a construction permit to implement the upgrade, File No. BPH-970227ID.

3. WCC's application specifies a transmitter site at 47°20'45" north latitude, 119°02'35" west longitude. This location is approximately 194 km. from the coordinates specified in SPR's counterproposal for a co-channel 278A allotment at St. Maries, Idaho. The required separation

^{1/} DA 96-1461, released September 25, 1996.

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between co-channel Class A and Class C1 stations in Section 73.207(b) of the Rules is 200 km. Thus SPR's counterproposal is short-spaced to the site in the KVYF upgrade application by approximately 6 km.^{2/}

4. SPR's counterproposal would automatically be disqualified had it been filed after the KVYF application, but the Commission's public notice indicates that SPR filed on December 10, 1997. While WCC had no way to know of the counterproposal until the April 10, 1997, public notice, it appears that SPR was first in time and thus was not automatically cut-off by the KVYF application. However, WCC filed its application before the deadline for responses to SPR's counterproposal; so at a minimum, WCC's application is entitled to be considered and balanced against SPR's counterproposal.

5. WCC opposes SPR's counterproposal to the extent it would preclude a grant of the KVYF upgrade application. An upgrade for KVYF was found to be in the public interest in MM Docket No. 95-163 and should be permitted to go forward. However, if the Commission sees fit to adopt SPR's counterproposal, then it should adhere to its policy of resolving conflicts in a way that permits grants of all proposals if feasible. It is feasible in this case by simply changing the reference coordinates for a Channel 278A allotment at St. Maries, to place them 200 km. away from the site specified in the KVYF modification application. Such a change would require a site restriction to east of St. Maries. WCC suggests the following reference coordinates:

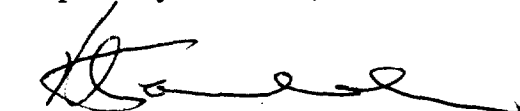
47°18'47" north latitude, 116°23'50" west longitude

^{2/} The coordinates proposed by SPR are exactly 200 km. from the reference coordinates specified in the *Report and Order* in MM Docket No. 95-163.

6. The St. Maries reference coordinates suggested by WCC are approximately 13 km. directly east from the center of St. Maries.^{3/} This distance is well within the normal 16 km reach of the 70 dBu contour of a Class A FM station operating with a full 6 kW at 100 meters AAT. Thus a St. Maries station at WCC's suggested coordinates would have no trouble complying with the principal city coverage requirements of Section 73.315(a) of the Commission's Rules.^{4/}

7. In light of the fact that WCC's suggested solution accommodates all parties, it is respectfully submitted that it be adopted in this proceeding.^{5/}

Respectfully submitted,


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April 25, 1997

^{3/} The coordinates for the center of St. Maries, as obtained through the Dataworld "Atlasscan" program, are: 47°18'47" n. lat., 116°34'05" w. lon.

^{4/} A St. Maries applicant could, of course, propose a transmitter location closer to St. Maries by adjusting its power and/or height pursuant to Section 73.215 of the Rules.

^{5/} WCC does not know whether Pentacle Investments, Inc., the initial petitioner in RM-8926, will oppose SPR's counterproposal, or if it does oppose, whether it will be successful. WCC obviously has no objection to a denial of SPR's counterproposal altogether, even though denial is not necessary to a resolution of this proceeding that accommodates all parties.


CERTIFICATE OF SERVICE

I, Laura Ann Campbell, do hereby certify that I have, this 25th day of April, 1997, caused to be sent by first class United States mail, postage prepaid, copies of the foregoing "Reply Comments of Wilson Creek Communications, L.L.C., to Counterproposal of Spokane Radio, Inc." to the following:

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